

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 189 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DAYALDAS KESHAVDAS PARWANI

Versus

VASUDEV KESHAVDAS PARWANI

Appearance:

MR SH SANJANWALA for Petitioner

MR HM PRACHCHHAK for Respondent No. 1

RULE SERVED for Respondent No. 2

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 03/07/98

ORAL JUDGEMENT

1. This appeal has been directed against the impugned order dated 29/1/1998 rendered by the learned Civil Judge (S.D.) Porbandar in Special Civil Suit No. 18/1997 rejecting the interim injunction application moved by the appellant-plaintiff. This matter has been placed for final hearing and disposal before this Court.

2. I have heard the learned advocates for the parties. It is not in dispute that the suit in which the interim injunction application was moved has been filed for administration and partition and permanent injunction in respect of the properties in question. This Court while issuing notice in the civil application granted status-quo with regard to the interim relief prayed for by the appellant-plaintiff in the suit. The said status-quo has remained in force till today. After some amount of submissions, both the learned advocates expressed their insistence about the expeditious disposal of the suit and to continue status-quo till final disposal of the suit with liberty to the defendants to apply before the trial Court in case they need to sell or transfer in any other manner the properties in question or any of the properties in question. Hence, in the facts of the case, following order is passed :-

The status-quo which has been granted in this Appeal From Order or in the Civil Application proceedings with regard to the interim injunction prayed for by the appellant before the trial Court, will continue till the final disposal of the suit. The trial Court is directed to hear and dispose of the suit as expeditiously as possible. In the meantime it will be open to the defendants-respondents to apply before the trial Court seeking permission to sell or transfer in any other manner the properties in question or any of the properties in question in case they need to do so. As and when such an application will be moved the trial Court will decide the same in according with law after hearing the parties.

Appeal will stand disposed of in aforesaid terms with no order as to cost.

PVR ao18998J.